not gapuine, and refuse to use them for the purpose of comparison with the disputed handwriting.

There can be no doubt as to this propositions, we are here dealing with a criminal case, a murder case. There is a disputed writing which it is important the people should convidee the fury was written by the defendant. Other writings are produced and are proposed to be used as a standard for comparison. The witnesses for the neotile say this ilerter is the defendant's genuine handwriting: the defendant, or some witnesses called in his behalf, say they are not the defendant's writing. The Court regarding the evidence of scantineness as satisfactory, admits the writings as standards; witnesses make the commatison of handwritings and express their opinions, based thereon, that the defendant wrote the disputed writing, and the evidence and the writing are all submitted to the jury. The Court is requested to charge the jury that they are the sole judges of the fact whether the standards submitted are the genuine handwriting of the defendant, and if they are not satisfied from the evidence that they are so, they should find, regardless of the decision of the Court upon that question, and in that event they should disregard all the evidence of witnesses based upon comparison with such standards and should make no comparison themselves. Would it not be the duty of the Court to charge the propositions so requested? Clearly it would.

This illustrates precisely what power and duty is imposed upon the Court by this statute, merely to pass upon the genuineness of the proposed standards, for the propositions so retain evidence shall be although the form of such evidence by the jury when it is before them.

"Upon a trial the Court, that is the presiding Judge, passes upon and decided as a to the advence for the court, when it is before them."

siven to such evidence by the jury when it is before them.

"Upon a trial the Court, that is the presiding Judge, passes upon and decides as to the admissibility of all evidence, and the question under this statute comes within this rule. The Grand Jury has no presiding Judge, and in the widerly conduct of its proceedings the jury itself passes upon the admissibility of all evidence presented before it. Right or wrong, its decision goes, and the evidence it decides proper latraceived. To this extentit decides all questions of law, as well as the act determining whether an indicument shall be found. It is not a law unto itself. Its decisions may be reviewed, as is being done here, but like a presiding Judge on a trial, the jury itself rules for the time being and its ruling is followed.

"In an analogy to its power and duty with reference to the admissibility of other evidence, why may not the jury determine the question under this statute whether the writings presented as proposed standards are genquestion under this statute whether the writings presented as proposed standards are zenuine? What harm is done? Is not the liability
to harm less in this case than where a presiding fudge has passed upon the questions
before the jury? The whole responsibility for
this finding of fact before the jury is thrown
upon the jury itself, without any interference
by the presiding Judge, not only to determine
the fact as one in the case, but also as hearing upon the question of admissibility of the
evidence.

the fact as one in the case, out also as hearing unon the question of admissibility of the evidence.

"A reasonable construction should be given to this statute, not a forced and unnatural one. If this abscies of evidence is valuable unon trials in open court, as it surely is, why should the rule not extend to any proceeding, civil or eriminal, where evidence is to be taken? "an it he possible that the Legislature provided for a species of evidence muon the trial of a person for a crime and yet intended to prevent the using of the same success of evidence before a Grand Jury to enable them to say whether, the person should bejout mon trial at all! It seems to me not. Moreover, this species of evidence is coming to be regarded as of greater value than the evidence of persons who speak alone from their win personal knowledge of handwriting of others. I do not refer so much to the mere opinion of experts, based upon comparison, as to the reasons they may give for sauch onlinens. The similarity of letters and fifte details of the writing which they may point out to the jury and which the jury though not experts, may be able to see for hemselves, and especially the right of the jury to examine and comparisons and points of the surgestions of the witnesses who have themselves made comparisons and pointed out details in their work which the jury can themselves anyerelate. In a case of this kind. suggestions of the witnesses who have them selves made comparisons and pointed out details in their work which the bury can them selves ampreciate. In a case of this kind, where some one has receased absorbed it in the Post Office and death has resulted from taking this poison, when the person preparing and sending the poison has done this work where no human eye looked on to see him do it, and when no confession is made by any one, this of the utmost importance that there's hould. If possible, be an identification of the handwriting upon the poison package. Will it be claimed that the species of evidence provided for by this statute, the comparison of handwritings may be used upon the trial of a person for such crime, but the Grand Jury may not hear the same evidence with a view to saying whether the person shall be put on tria?

Suppose no other species of proof of handwriting is obtainable sufficient to indict or convict and that this species of proof of handwriting is obtainable sufficient to indict or convict and that this species of proof of handwriting is obtainable sufficient to indict or convict and that this species of proof of handwriting is obtainable sufficient to convict on a trial, must a person shall be put on tria?

Suppose no other species of proof of handwriting is obtainable sufficient to convict on a trial, must a person shall be put on tria?

Suppose no other species of proof of handwriting is obtainable sufficient to indict or convict and that this species of proof of handwriting is obtainable sufficient to indict or convict and that this species of proof of handwriting is obtainable sufficient to indict or convict and that this species of proof of handwriting is obtainable sufficient to convict on a trial, must a person shall be put on tria?

Suppose no other species of proof of handwriting is obtainable sufficient to indict or convict and that this species of proof of handwriting is obtainable sufficient to indict or convict and that this species of proof of handwriting is obtainable su

the same as before a trial court.

The first evidence as to handwritings given before the jury was that as to exhibits E I to Z I and A 2 to E 2, which we may call the first series. These were claimed to be the genuine handwriting of defendant. They were sufficiently shown to be such by the evidence of Kinsley. He had seen some of them written and had knowledge of defendant's handwriting from seeing him write so as to be competent to speak on the subject. There seems to be no concention that these were the defendant's genuine handwritings. They were, it may be assumed, received by the jury under the statutes of 1830-1833, and if the jury were satisfied they were genuine, and we may assume they were seen stilled, they were properly so received.

The next evidence was as to the exhibits I 2 to S 2, which we may call the second series. These exhibits may be regarded as disputed handwritings. They certainly came before the jury as such. They did not purport to be written by the defendant, but by Cornish and Barnet. They were claimed to be forgeries and to have been written by the defendant, and no evidence was given as to their being the genuine writings of the defendant, except by comparison with the standards already received, the first series of exhibits. Such proof of the second series having leen made, these exhibits were used by the witnesses as standards for comparison with the disputed handwriting of the address on the poison package, and this latter writing was then received. The jury had before them the two 2 series of exhibits were used by the witnesses as standards for comparison with the disputed handwriting of the address on the poison package, and this latter writing was then received. The jury had before them the two 2 series of exhibits were improperly before the jury for any purpose.

First that they could not be used as standards for comparison with the address on the poison package, because they were themselves disputed writings and only proved by comparison with the first series of exhibits. In

First that they could not be used as standards for comparison with the address on the poison backage, because they were themselves disputed writings and only proved by comparison, with the first series of exhibits. In other words, they could not be presented and used at the same time as the standards and disputed writings under the statute.

"Second, that, they were not competent and proper for any other purpose than as standards of comparisons of handwritings; that, they were not material on any other issue.

"I do not see how it can be claimed these exhibits were competent and proper for any other nurpose than as standards for comparison with the address on the poison package. There was no proof given that the Cornish exhibits were sent through the mail or received by any one. If such evidence had been given, it might be claimed that they have competent on the question of motive as showing the relations between the defendant and Cornish, that defendant had assumed his name, forced his name to letters, &c. But proof was not made given rise to any such theories. The Barnet exhibits certainly were immaterial upon any such issue in the case. The death of Mrs. Adams and the death of Barnet his treaming ders were separate and distinct crimes, and if both were committed by the same persons, still the proof as to one crime could not be given on the trial of the other. I can conceive of no theory upon which the Barnet exhibits were properly before the jury, except as standards of comparison with the real disputed writing, the address upon the poison package.

"They were, when presented to the jury itself as standards for comparison with the address on the prison, saved as such and were thought and the standards of the same persons. They were, when presented to the jury itself as standards for comparison with the first series of exhibits, were properly before the jury except as standards of the same person of the first desards under the standards writings for the purpose of fastening the first disputed writing upon the

and considered as standards under the statute of 1890-1898. This second series of exhibits was therefore improperly before the jury. They were other than legal evidence.

There was other improper evidence given before the jury, but none that is of such importance as tookall for especial mention. None of it would be sufficient to require the Court to bilscharge the indictment. The spaceles of evidence above referred to is, however, more troublesome, and the Court can hardly disregard it, can hardly say it was of so little importance as not to have, indience the jury to indict, when they would not have so determined had these species of evidence at the pury to indict, when they would not have so determined had these species of evidence at the provinced that the writing of the address upon the boilson backage was the defendant?

A crime had been committed. The real oussition before the jury was. Did the defendant was a chemist, or had some knolwedge of chemistry. He had unpleasant relations with Comish, and apparantly no one else bad. Some other things may have appeared before the jury which it do not recall, and then it was claimed that the handwriting upon the poison package. Which we had been committed that the handwriting upon the poison package, was defendants. An indictment to the province of the province of the issue the offendant's hand writing upon the poison package. But the contribute given the province the defendant's hand writing upon the poison package. But the contribute of the province of the issue to the evidence received, considered and acted upon by the jury.

This second series of exhibits were improperly before the jury. They entered into the comparisons made by the witnesses and, we must assume, by the jury, and the District Attorney's office should have been careful as to the evidence received, considered and acted upon by the jury.

This second series of exhibits were improperly before the jury. They entered into this, the matter contained in the exhibits was such as would almost certainly

SURPRISE FOR GARDINER'S OFFICE. Couldn't Believe the News-Molineux Told

of It Future Procedure. A Sun reporter carried the news of the dismissal of the indictment to the Tombs last night. Night Warden Curren took it to Molineux, who was asleep in his cell. Molineux was unable to speak for a moment, but soon recovered the composure which has been characteristic of him since his arrest. He expressed his pleasure at the news and sent his thanks for the information. Word was sent also to Gen. Molineux, who was unable to

Major Gardiner had not heard of the decision last night until the reporter told him of it. "But I decline to talk," he said. "I have a compact with the reporters in the Criminal Court building to talk to no one else but them about business of the office, and I won't be in-

neux, were at their offices in the American Surety building when the news reached them.

"We are, of course, greatly delighted and gratified," said Mr. Battle. "We felt confident that the motion would be decided in accordance with the principles of law and equity. We shall at once prepare an order based upon the decision and following its terms, and shall serve notice of settlement of this order upon the District Attorney. We cannot, of course, rell the precise form of the order until we have read the full text of the decision. The order will, we suppose, contain such provisions as to the future conduct of the case as Mr. Justice Williams shall think proper to have inearted therein."

Mr. Battle said that his order would include an application to have Molineux released on ball beading the new Grand Jury proceedings. Such a release on a murder case is very unusual, but it is in the Judge's discretion.

Mr. Weeks said that the next move in the case would have to come from the District Attorney acts. Molineux can't be discharged from the Tombs unless the District Attorney has no sufficient legal evidence he must either take the case before a City Magistrate or submit his evidence to the Grand Jury."

PLOT TO EXTRADITE HECKMANN.

Colyar Confesses, Exonerates Weeks, Impli

cates the "World" Heckmann Let Go. If Major Gardiner is feeling well to-day he may go before the Grand Jury and ask that body to look into the attempt to extradite to Tennessee, as an escaped convict, Nicholas A Heckmann, the letter box proprietor, who swore at the Coroner's inquest in the Molineux case that Roland B. Molineux was the man who, under the name H. C. Barnet, hired from him a private letter hox. According to a statement made to the District Attorney by one of the persons whom he examined yesterday, the World newspaper engineered the scheme to extradite Heckmann. Talk about "spiriting a witness away is irrelevant, seeing that, without his own consent, Heckmann could not have been extradited without a public hearing. The names of four World men were given to the Chief of Police and to District Attorney Gardiner. The Governor of Tennessee may request the au-thorities of this State to give up the men involved in the plot, so that they may be prose-cuted in Nashville. If not, Major Gardiner says indictments may be found here.

Arthur S. Colyar, the lawyer who came from Tennessee with the requisition papers, made a statement vesterday to Major Gardiner. He said that certain persons whose names have not yet been made public had originated the aspiracy, their object being to extort money from Gen. Molineux. There was a news package. I do not see how it can be said that his second series of exhibits were properly received or used by the witnesses or the jury itself as standards for comparison with the address on the poisonateckage.

They were, when presented to the jury disputed writings, were treated as such and were that afternoted to be proved as the writings of defendant, excent under the statute of 1893-1888, by comparsion with the first series of exhibits, by comparsion with the first series of exhibits. This could not be made standards under the statute by this kind of proof. The witnesses and jury were comparing one disputed writings for the purpose of finstenian the first disputed writing with a lot of other disputed writings for the purpose of finstenian the first disputed writing with a lot of other disputed writings for the purpose of finstenian the first disputed writing with a lot of other disputed writing with a lot of the disputed writing with a lot of the disputed writing with a lot of other disputed writing for the purpose of finstenian the first disputed writing with a lot of the disputed writing with a lot of the disputed writing for the purpose of finstenian the first disputed writing with a lot of the disputed writing for the purpose of finstenian the first disputed writing with a lot of the disputed writing for the purpose of finstenian the first disputed writing for the genuineness of the standards as there is about the genuineness of the indoresments, yet they the standards are received by the court as genuine, and the jury are practically told that if the indersements were written by the same lands that wrote the standards they are genuine and the jury are practically told that if the indersements. There was the same doult as to his second series of exhibits as to the address on the poison packages. Both were disputed writing was a standard as the same doult as to his second series of exhibits as to the address on the poison packages. Both were disputed with the court as genuine, and the jury and the provi paper man concerned in the case, together

dence, R. I., and told that she was to be known in the future as Blanche H. Graham, a young woman who at one time had a complaint in Tennessee against Percy Reymond. She was not acquainted with either Reymond or Heckmann, but she agreed to identify Heckmann as Reymond. She was taken down to Washington, where she was met by a reporter of the World and two men from Tennessee. There she made a statement to the World reporter to the effect that she had identified Heckmann's picture and that she intended to go on to New York to identify Heckmann as Reymond. The World reporter brought her to Philadelphia, where she registered at the Bingham House as Miss M. Harvey. The reporter then telegraphed to his paper to send a few more reporters over to Jersey City to meet him and the Cole woman at Taylor's Hotel. On the way from Philadelphia to Jersey City on Tuesday Ida Cole happened to see a statement in one of the morning newspapers to the effect that the plot had been discovered. She became irightened and left the train at Newark. In the meantime, Colyar said, he and Private Detective Casteen, from Tennessee, had hired a room in Taylor's Hotel and there met four raporters of the World.

"Dreyfus, one of the reporters, was intro-

Casteen, from Tennessee, had hired a room in Taylor's Hotel and there met four reporters of the World.

"Dreyfus, one of the reporters, was introduced as an officer," said Colyar, "and he agreed to serve the papers in the case. Belleving that he was a detective, Casteen gave up the requisition papers to him and Dreyfus went over to Police Headquarters to serve them."

The statement of Colyar exonerates the firm of Weeks & Battle from all blame in the matter, and also exonerates Private Detective Casteen. Colyar was taken to Police Headquarters also exonerates Private Detective Casteen. Colyar was taken to Police Headquarters last evening by Detective Sergeants McCafferty and Carey.

"Colyar is not under arrest," said Major Gardiner. "Oh, no, he is not under arrest. But I am not prepared to say whether or not he will be placed under arrest." At Police Headquarters he was registered as a suspicious person. Heckmann, who had been technically under arrest, was taken from the District Attorney's office at noon yesterday to Part II. of the Supreme Court in habeas corpus proceedings for his release. The Magistrate who sentenced Percy Reymond in Tennessee, Judge J. M. Anderson, was called as a witness, and, looking at Heckmann, said that he was not the man. Lawyer Colyar was then called and said that he had been employed as attorney in the case by Bartow S. Weeks. He said that he could not positively identify Heckmann as Reymond. Heskmann testified that he had never been

Bartow S. Weeks. He said that he could not positively identify Heckmann as Reymond. He said that Heckmann was shorter than Reymond. Heckmann testified that he had never been in Tennessee in his life. He produced cancelled bank checks bearing the date of 1893 to show that he was in New York at the time Reymond escaped from the Nashville Penitentiary. His height also proved to be considerably under Reymond's height. Justice Truax was convinced that Heckmann was not the man wanted in Tennessee and discharged him.

Lawer Weeks gave out a signed statement last night about his connection with Colyar. He says that Colyar wrote to him from Nashville on March 2 that Heckmann was Reymond, whose record he gave. On receiving that letter Weeks sent to Colyar a photograph of Heckmann so that there could be no mistake about the identification. Colyar a little later sent several affidavits to Weeks from sileged reputable citizens of Tennessee, that the photograph was the photograph of Reymond. At Weeks's solicitation Colyar came to New York on March 30, saw Heckmann and positively identified him as Reymond. Then the Tennessee man went to Washington to get more witnesses. At Colyar's request Weeks met him in Jersey City on Tuesday night and then learned for the first time that Colyar had concluded that he couldn't identify Heckmann and hadn't been able to get anybody else to. Weeks then Insisted that Colyar should go with him, George Gordon Battle and Capt. Casteen to Police Headquarters. Colyar finally consented, and the four get anybody else to. Weeks was on hand, expecting to be called as witness. The District Attorney. The latter told Mr. Weeks to appear in court later in the day, with all affidavits and papers in the case. Weeks was on hand, expecting to be called as a witness. The District Attorney not only did not call him, but gave him no opportunity to make a statement. He did, however, take pains to suggest that the whole proceeding was a plot hatched by Weeks. Weeks says he paid Colyar's travelling expenses from Nash

"FIXING" WEST SIDE COURT CASES. yer's Alleged Offer.

Magistrate Cornell in the West Fifty-fourth Street Police Court yesterday declared that he was going to put an end to the corrupt practices of lawyers and their touts in that court. To begin the crusade he listened to a charge against Lawyer Leon Levy of 898 Eighth ave. nue, who was accused of offering for \$25 to "fix the case" of Bertha Johnson of 738 Sixth avenue, charged with stealing \$35 from Fred Whittemore of Boston,

Earl M. Lannhere, an insurance agent, of 102 Ralph avenue, Brooklyn, was in court to youch for the woman's good character and to furnish bail for her. When the case was called he hurried to the platform and began to talk about

said that another man was anxious to see me outside. On the sidewalk I was accosted by a man who introduced himself as Lawyer Levy, and said that he could fix the case for me all right, and that he thought it would cost about \$25. I asked him what he meant, and he intimated that he had pull enough to buy the detective off. I left the man and hunted up the detective and he told me that he knew of no such arrangement.

detective and he told me that he knew of no such arrangement.

George A. Eastman, proprietor of a hotel on West Forty-second street, said that he had overheard the conversation with Levy, and corroborated Lamphere's statement. Magistrate Cornell called Levy to the platform and asked what he had to say for himself.

"I never offered to fix any case," said Levy." I simply offered him my services, and told him that the usual fee in such cases was \$25."

The Magistrate said that he should report the case to the Grievance Committee of the Bar Association, with a request that it be investigated, and that Levy be disharred if the charge was proved. As no complainant appeared against the woman, she was discharged.

C. WILSON PORTER SUED. Knocked Down George W. Durbrow in a

Quarrel at Los Angeles.

Los Angeles, Cal., April 12 -C. Wilson Porer, a young New York clubman, has been made the defendant in a suit for \$25,000 by George W. Durbrow, a well-known civil engineer and the manager of the Salton Salt Works. Porter and Durbrow were drink-ing together and had a quarrel, in which Porter knocked Durbrow down, rendering him in-sensible for some time. Durbrow has brought criminal and civil suits against Porter, who cannot be found.

Strange Death of Policeman Schoepfer. Policeman Edmund W. Schoepfer of the Bedford avenue station, Williamsburg, died suddenly yesterday at his home, 381 South Third street. He was 35 years old, and was appointed to a near by grocery store. When she returned ten minutes later Schoepfer was lying on the floor and the blind girl was passing her hands over his face. Dr. George Dirkes was called, but when he got to the house the policeman was dead, It is thought death was due to apoplexy.



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QUAY'S LETTERS ADMITTED

SHARP BATTLE BETWEEN COUNSEL
AT THE PHILADELPHIA TRIAL.

Judge Biddle Decides a Crucial Point in
Favor of the Prosecution—The Famous
"Red Book" Not Yet Admitted—Technical Points Argued as to a Conspiracy.
PRILADELPHIA, April 12.—Close-range fighting was the rule in the Quay trial to-day, and honors were pretty evenly divided between the prosecution and defence, although as the case stood at adjournment, which was reached at 2:40 o'clock, it was thought that the attorney for the commonwealth had a shade the better of the battle. There is little bluster on either side. It is a bitter battle, but it is being fought calmly. A vital point was reached at to-day's hearing, and interest was at fever heat during the argument of the District Attorney on the admission of the famous "red book," and the other books, telegrams, letters, and memoranda that were taken from the desk of Cashier Horking.

Mr. Wat my friend of the other side seems to have forgotten," he said, "is that ache between third persons constitute competent evidence to show that they are admissable on the same principle of law. "What my friend of the other; is ease seems to have forgotten," he said, "is that ache between third persons constitute competent evidence to show that the part of the same principle of law. "What my friend of the other; is that a five principle, the books in which entries were to the same principle of law. "What my friend of the other; is the for constitute of the act itself, and they are admissable in evidence. Upon this principle, the books in which entries were to the act itself, and they are admissable in evidence. We are undertaking to prove the crime of conspiracy by the competent evidence of principle of the act itself, and they are admissable in evidence. Upon this principle, the books in which entries were to a common end."

Mr. Hothermel the sate of the other has a large borrower through the People's Bank for the purpose of purchasing stock, and from the written act of Hopkins that he conspiracy b randa that were taken from the desk of Casher Hopkins.

After a long argument by the District Attorney in answer to the argument of Mr. Watson against the admission of the papers and books mentioned, Judge Biddle decided to admit all except the "red book," which contains the entries of loans made and calculations of inas the District Attorney requested the Judge to withhold decision on it until later in the case, when he had use for its contents, and at which time he desired to make a specific argument showing the reasons why it should be regarded as evidence of a proper nature and should be admitted.

The greater part of the morning was consumed in argument which was of a decidedly nteresting nature. In the afternoon as the District Attorney George S. Graham was called o the stand. Another sensation was caused by this action of the prosecution as it was sunposed that new testimony of an important nature was to be adduced. Mr. Graham was worn with upraised hand, and his striking presence made an effective picture as he stood looking at his successor in office, and below im sitting the man who for so many years as dominated the Republican political arena in Pennsylvania. The expected sensation failed to come, as Mr. Graham was only called to identify two telegrams, one of which was that saying." If you buy and carry 1,000 Met. said that the defendant, M. S. Quay, had admitted being the author of the telegram at the hearing held before Magistrate Jermon on Oct. The defence asked him no questions, and as he stepped from the stand there was an audthis sigh of relief from those who had been expecting important revelations and an interest

The two telegrams read by Mr. Graham wer addressed to Cashier Hopkins and were signed M. S. Quay. The first was dated Feb. 4, 1898, and read "Get out at a profit; my check on you for \$7,000." The second was the famous despatch of Feb. 11, 1808: "If you buy and earry 1,000 Met. for me I will shake the plum

The struggle over the books of the bank was

renewed in the afternoon, and after some argument it was decided to bring the books. 217 in number, into court. This was done. Mr. Rothermel wanted to call the clerks of the Mr. Rothermel wanted to call the clerks of the hank to identify them, but the defense objected. Numerous propositions were made as to their admittance, but it was seen that no agreement could be reached this afternoon and court was adjourned until morning.

Court opened with Judge Biddle and former Chief Justice Edwin M. Paxson on the bench. The juriors, the defendants and the attorneys for the defence and prosecution soon took their seats. District Attorney Rothermel entered into his answer to the argument of Mr. Watson. Mr. Rothermel began by stating that in all cases, from murder to simple assault, circumstantial evidence could be brought in. Conspiracy, he said, is not different, and it can be proved by circumstantial evidence. He contended that if A, B and C were in a conspiracy, the acts of A could be proven by B and C. When the acts are done in furtherance of a conspiracy they are admissible, but are ruled out only when not done as a part of the conspiracy. The District Attorney said he proposed to

Spiracy.

The District Attorney said he proposed to show that M. S. Quay borrowed money of the People's Bank to purchase stock, and that the bank loaned him the money without interest. He charged that because of the consultany borkins, and M. S. Quay there was absorbed to divide the interest of the Commonwealth between them in certain proportions. Taking the period of six months ending Oct. 31, 1887, there were deposited in the People's Bank sums between \$5.2,000 and \$55,000. He said that Quay had a loan of \$185,000 dring that the Commonwealth between \$6.2,000 and \$55,000. He said that Quay had a loan of \$185,000 dring that M. Rothermel then outlined the alleged crime as recited yesterday to the effect that he proposed to show that the State Treasurer received one-third of 6 per cent. of the State deposit, less 20 per cent. and less the interest on \$185,000, which was used by Quay. He substituted that the suidence stood uncontradicted.

The jury, to render a verilet otherwise, would have to believe three improbable things, he said, were: That interest things, 'said Mr. Rothermel. These improbable things, he said, were: The improbable of things, he said, were: The suidence stood uncontradicted.

Treasurer was not paid was put to the State funds, but that it was a voluntary gift, that Quay was entitled to the use of \$185,000 without interest, the interest being a mere voluntary gift of the bank to Quay, and that the sum baid to the State Treasurer happened to be just one-fluired of the interest heing a mere voluntary gift of the bank to Quay, and that the sum baid to the State Treasurer happened to be just one-fluir of the interest on the Commonwealth so Quay.

These they believe, continued Mr. Rothermel, the sum total of the interest of the loan of \$185,000 to Quay.

The safe hat a gift of the bank to Quay and the State Treasurer happened to show the Commonwealth sdeposit corresponding with the commonwealth sdeposit corresponding with the Commonwealth sdeposit corresponding with the Commonwealth sdeposit corresp

and the lending of them for the use of a third person.

Regarding the stand taken by the defence that money deposited in the bank became to all intents and purposes the bank's funds and lost its identity as the money of State, Mr. Kothermal agreed with Mr. Watson. "But." he added. "that doesn't affect the taking of profit from a fund of the State deposited in the bank when it had been said to the bank in effect If you don't allow me interest on these funds I will withdraw the State account."

Here the question of the admissability of the books was gone into at length. Mr. Rothermel

dle State funds and divide the interest between them.

Mr. Watson replied reviewing what he had said yesterday and declaring that he intended to losist upon the constitutional rights of the delence. He affirmed that a man could not be convicted of a crime which the Grand Jury did not pass upon in the indictments, and said that the bill of rights declares that no man can be tried except upon a bill charged by the Grand Jury. He said that no decision could be shown where books had been admitted into evidence in a case like this, though in certain civil cases the books were admissible, but only where the controversy is between the bank and some other person.

You can't put me upon the rack and crucify

other person.

"You can't put me upon the rack and crueify me." he said flercely. "because some other person did not do right."

He noted a hiatus of three years in the period dwelt upon by the prosecution, and declared that the proposition to admit the books was unsound.

that the proposition to admit the books was unsound.

Judge Biddle, in his decision, agreed that when money was deposited in the bank it was out of the control of the principal, the Commonwealth in this case, but that the question at issue was whether Quay, through his political influence, had been able to induce the Commonwealth to make a deposit which, "to use a vulgar expression, was a deposit with a string to it."

That it was a deposit with a string to it. That it was a deposit which the bank was bound to keep intact, to enable Senator Quay to use it as collateral for borrowing money; that it was a deposit which entitled him apparently to the receipt of a certain amount of interest upon it. Therefore that proposition was an entirely different one from the one first stated.

To say," said the Judge, "If that is the ar-

terest upon it. Therefore that proposition was an entirely different one from the one first stated.

"To say," said the Judge, "If that is the arrangement, that Mr. Quay had no knowledge of it, or is not implicated by it, and that he is not to be considered with regard to the character of the deposit it seems to me is a contention that cannot be entertained."

In regard to the books of the bank, the Judge said the presecution undoubtedly had the right to present them to show the nature of the deposits made, and whether the defendant is responsible for what was put there. As to the residence of the content of the deposits made, and whether the defendant is responsible for what was put there. As to the residence of the content of the book was found among the other books of the bank, but in a drawer, and it was crowded with all sorts of rubbish. He was not satisfied yet that it was competent evidence. Mr. Rothermel said he did not argue for the admission of the red book," and sked that decision be withheld. This, after brief argument, was granted.

After the recess Mr. Rothermel offered the letter from Quay to Hopkins, dated Jan. 3. 1897. Mr. Shields objected, but the objection was overruled and exception taken. The letter read:

"United States Senars."

etter read:
"United States Senate,
"Washington, D. C., 13th Jan'y, 1807,
"Dark John: Give George Huhn \$25,000 for
ne. It is for a margin in some stocks. Send
ne a note for \$25,000 and I will sign and re-To John S. Hopkins, People's Bank, Phila

turn.

"To John S. Hopkins, People's Bank, Philadelphia."

Then followed the offering of other letters, all of which were objected to. The objections were overruled and exceptions were taken. The letters follow:

"UNITED STATES SENATE,

"WASHINGTON, D. C., Sept. 21, 1807.]

"DEAR JOHN: I have at Hubn's 900 shares of Met. I wish you to take out for me. It stands \$110.812.50. Aug. 31, and with your \$41.025 will make \$172.437.50. I will owe your bank. I have 100.000 New Jersey bonds and 1.500 shares of New Jersey stock which I will change into Met. as soon as the top notch in Jersey is reached. That is to say, I will sell the Jersey securities and pay off the indebtedness to the People's. The Jersey bonds ought to go to par within sixty days, and when they are par the stock will be at least 50. It will pay a small dividend next year, Please write me on receipt of this.

"Very truly yours, M. S. Quan". car. Please write me on receipt of this.
"Very truly yours, M. S. Qu'At."
To John S. Hankins, People's Bank, Philadelphia.

P. S.—I suppose there is some circular to Met. stockholders explaining what was e at the meeting. If there is, please send one."

done at the meeting. If there is, please send me one."
Letter dated Sept. 28, 1897.
Your letter is to hand. The arrangement about the Huhn stock is satisfactory. QUAY. To John N. Hookins, Proples Bank, Philadelphia.
Letter dated San Lucie, Fla., Nov. 29, 1897.
"UNITED STATES SEXATE, WASHINGTON, D. C. DEAR HOPKINS: I enclose note for \$62,-857.25 at your request. I presume it is for the 500 shares of Met. If so, I think Monte must have forgotten to collect the eash dividend of \$1.25 per share. I have your telegram saying the bonds are low again. How much stock have you sold? We will leave here on or before the first of December. Most likely will be home by then.
To John S. Hepkins, Proples Bank, Philadelphia, Letter dated Dec. 4, 1897. U. S. Senate, Washington, D. C. "DEAR JOHN: Yours to hand. I will let you know before drawing on you. Please write me and give me state of my account. What do you hear about Met.? I thought when I bought this stock it would go very much higher than it has, but I am comments to feel like letter than it has, but I am comments to feel like letter than it has, but I am comments to feel like letter than it has, but I am emments to feel like letter than it has,

and give me state of my account. What do you hear arout Met.? I thought when I bought this stock it would go very much higher than it has, but I am commening to feel like letting it go, to take it on again at lower figures. There are no war notes at present. The action of the Spanish Government and the President's message will be quiet and pacific. Yours. Quay.

Letter of Dec. 7, 1887.

"Senate Chamber. Washington, D. C.
"Dear John: As to the Met. scrip, the reason for its cheapness is that it bears no interest until next October, and that the company has the option to pay in each or stock. The option is with the company, not with the holder of the stock. Should it go to the bad, it will be continued. If the stock goes above par and remains so the company will pay the money. Mr. Huhn tells me and it seems to me that under the circumstances 92 or 83 is a very full price for it. Yours truly.

"To John S. Hopkins, People's Bank, Philadelphia."

The letter and telegram of July 21, 1896.

"To John S. Hopkins, People's Bank, Philadelphia."

The letter and telegram of July 31, 1800, were offered, but Mr. Shields objected to them being read, as they were not within the statutory period. The District Attorney argued that they were not offered to prove conspiracy but to show that Quay had horrowed \$100,000 on a note of R. R. Quay and Arthur Kennedy and Indorsed by Senator Quay on Aug. 5, 1896, The epistles were admitted. They read:

"Benjamin J. Haywood, State Treasurer: Henry C. Greenwalt, Cashier: T. Stewart Henry C. Assistant Cashier. Commonwealth of Pennsylvania, Treasury Department, Harrisburg, Pa., July 31, 1866, James McManes, Riq., Prople's Bank, Philadel-

"James McNones, Req., Property Ballet, Philo."
"DEAR SIR: On Monday we will mail you a check for \$100.000 for credit of Commonwealth of Pennsylvania general fund, which will make a credit to our account of \$400.000. The understanding is that I am not to draw against any part of this deposit until the Hon. R. R. Quay has paid, or arranged satisfactorily to you, the loan of \$100.000 which we are to make him next week. Very truly.

"B. J. Haywood, State Treasurer."

The Pennsylvania Iron Boom. READING, Pa., April 12. The iron boom in east Pennsylvania continues. The furnace at Emaus was put in blast to-day. The old furnace at Leesport is ready to start up. The Sayfert Rolling Mill at Gibraltar will fire up on Monday. The West End Rolling Mill of Lebanon will resume on Thursday. Fifty cars of pig iron are now being put out from Lebanon Valley furnaces daily, which eclipses all records. The iron has hardly time to cool before it is shipped away.

it is shipped away. W. D. Keyes Makes an Assignment, LOUISVILLE, Ky., April 12.-W. D. Keyes, for many years manager of the American Plate Glass Works of New Albany, Ind., which was at that time the largest concern of the kind in the world, has made an assignment at Pitteburg. Pa. with liabilities aggregating nearly \$100,000. Keyes has for some time been an officer in the Ford City China Company. Ford City, Pa.

The Antique The Modern

We have much Furniture that was made by the foremost makers in generations gone by-And Furniture made by ourselves that will perhaps be as highly prized in generations to come. Both sorts are costly-but your Furniture money could not be more wisely invested. Just now-a number of choice An-tiques at moderate cost-both stores.

Schmitt Brothers, Two f Cor. 25th St. & 4th Ave. } Two Stores. \ 40 East 23d St. | Stores. If you had a larger and better arranged desk, could you not get through your work more easily?

HALE CO., Desks at export prices. 15 Stone Street next Produce Exchange

93

SANTA MARIA CAPTURED.

GEN. WHEATON'S BRIGADE CHASING AGUINALDO'S FORCES.

Bebels Made a Charge on Our Front with a Gatling Gun, but Were Quickly Routed with a Loss of 100 Killed and Wounded -Lawton's Work at Laguna de Bay.

Special Cable Despatch to THE SUN.
M'ANILA, April 12-6:15 P. M.-Early this norning Gen. Wheaton's brigade, which had een concentrating at Bocave, started east. chasing the Filipinos beyond Santa Maria de Pandi, which town the Americans captured during their advance. The enemy made a charge upon the American front with a Gatling gun, but were utterly routed, losing 100 men n killed and wounded.

Santa Maria de Pandi is in the province of Bulacan, and situated eight miles east of the capital, Bulacan. The town has a population of 10,508. It is situated on the Santa Maria

LAWTON PURSUES THE REBELS.

Used on Laguna de Bay. WASHINGTON, April 12.-Gen. Otis cabled the

ollowing to the War Department to-day: "MANILA. April 12.-Yesterday, in the lake egion, Lawton pursued insurgents eastward rom Santa Cruz, dispersing them; captured all the larger vessels used in the lake trade and a Spanish gunboat. He is now endeavoring to pass them from the river, where concealed, "Wheaton drove the enemy ten miles to east-

ward of the railway line of communication with Malolos. Lawton's and Wheaton's casualties are few and slight, as the enemy made no Notified by Spain that she will evacuate

Mindoro and Polo soon." DEED OF HEROISM NEAR MANILA.

Corporal Reno Rescues a Dismounted Trooper Under a Heavy Fire.

WASHINGTON, April 12.—Information was reeived to-day by Second Assistant Postmasterieneral Shallenberger from one of our posta igents in the East regarding a deed of heroism which has so far passed unnoticed in this country. It was performed during the early part of February, near Manila, and the correspondent of the China Mail of Hong Kong said that had the hero, Corporal Reno, been an English officer, he would probably have received the iron cross, which is the highest honor in the power of Queen Victoria to bestow for valor in the face of the enemy. A troop of the Fourth United States Cavalry

was stationed on the south side of Manila at the time mentioned, under command of Lieut. Carson. The troop had been doing excellent service in reconnoitring work. One day a party of the men, under command of Lieut. Boyd, were sent out to locate the enemy. The party had pushed a long way forward without trouble, and were on the point of returning when the Filipinos appeared from the brushon one side and fired into them. One of the ponies was killed, dismounting Private Davicki and wounding Private Wintler. All hurried to shelter, some 500 yards away, across a deep stream, and it was not until the party had reached it that it was discovered that Private Davicki had been left behind. Without a moment's hesitation Corporal Reno dashed after him, dismounted, placed Davicki in the saddle and brought him in safety to his companions. Reno ran alongside of the pony, his hand on the stirrup. The Filipinos maintained a heavy fire, but the two crossed the stream and rejoined their party without injury. What makes the case more noticeable is that Reno was a raw recruit, selected by Lieut. Carson to act as Corporal, because of his intelligent looks. Lieut, Carson was highly pleased was stationed on the south side of Manila at Carson to act as Corporat Decause of his inter-gent looks. Lieut. Carson was highly pleased at the bravery displayed by his protégé.

HELD A REGIMENT IN CHECK.

How Engineer Winship Saved a Landing Party from the Gunboat Bennington. WASHINGTON, April 12.-The following extract is from a private letter dated March 11. received by a naval officer in Washington from a friend in Manila. It relates to Assistant Engineer Emory Winship of the gunboat Bennington. Mr. Winship is from Georgia and was graduated from the Naval Academy in July. "Winship did a fine thing last week." say

the writer. "A landing party of about 125. from the Bennington, went ashore on Malabon from the Bennington, went ashore on Malabon in several boats, and a launch remained, with Winship and two men as boatseepers and to watch steam. The landing party advanced foolishly without scouts and precautions, and were suddenly set upon by a regiment of Filipinos. They field for the beach to the boats, pursued by the natives, and were hard pressed. Seeing this, Winship unlimbered the revolving cannon in the bow of the launch and turned it loose upon the pursuers. He kept up a deadly fire, and thirty Filipinos were killed or disabled. He stood off the whole gang, enabling our party to get to their boats safely. He then fell, having received five bullets. Tausig says that but for Winship none of the party would have escaped. Tausig is the commander of the Bennington

Additional Casualties in the Philippines. WASHINGTON, April 12.-Gen. Otis cabled. under date of Manila, April 12, the following

casualties not heretofore reported: KILLED. Fourteenth Infantry, April 10, Com-pany G. Private J. W. Pitts; Second Oregon, April 11, Company M. Privates Henry Payne, Edward Hoffman and Joseph Borrey: Thirteenth Minnesota, April 10, Company L. Pri-

vate Amesso Cole; April 11, Company C, Private Morriss P. Beatty.
WOUNDED. - Hospital Corps, April 9. Acting Hospital Steward Benno Altman, forearm, mod-

Thirteenth Minnesota-April 10, Company

B. Private Henry Foss, leg. moderate: 11th. Company F. First Lieut. Charles Clark, scalp. slight; Company A. First Sergt, Eugene Sansslight; Company A. First Sergt, Eugene Sans-comb, thumb, moderate; Corporals Holden G. Gilbert, hand, slight; Company I. Walter Ry-berg, arm, slight; Company B. Private W. J. Oble, ear, slight; Eugene A. Harvey, thumb, slight; C. J. Miggeson, back, slight; Charles Fackett, hands, slight; Company C. John J. Young, jaw, severe; H. Bjorn Gislossen, scalp, slight; Harry Anderson, ear, slight; Company L. Richard Keller, forehead, severe; Adam Hotchkiss, thigh, severe I. Richard Keller, forehead, severe; Adam Hotchkiss, thigh, severe.
Fourteenth Infantry—April 10, Company D. Private William Somers, arm, severe.
Fourth Cavairy—April 11, Company C. Private Joseph Gratowsky, head, severe.
First North Dakota—Company H. Corporal Herman Wolf, foot, moderate.
First Idaho—Company A. Private Arthur Plarson, forearm, severe.
Second Oregon—Company M. Privates Everett H. Millars, abdomen, severe: Arthur Sulon, arm, slight.

Leave Fort Monroe for Manila. NEWPORT NEWS, Va., April 12.-Batteries F and H of the Sixth Artillery, which have been stationed at Fort Monroe since the beginning of the war, and are made up largely of young Southern society men and sons of merchants and planters, left the fort this morning at 10 oclock for San Francisco, where they will board a transport for Manila.

2,000 Tons of Coal for Dewey's Ships. Nonfolk, Va., April 12.—The bark St James, Capt. Tapley, sailed to-day from Hampton Boads for Manila with 2,000 tons of Pocahon-tas coal for the use of Dewey's warships.

To Cure's Cold in One Day

Take Larative Bromo Quinine Tablets. All druggists refund the money if it fails to cure. 25c. The genuine has L. B. Q. on each tablet. - 24s.

Howard & Co 264 Fifth Avenue

Choice Oriental Pearls

of the extremely fine quality now so much desired but so difficult te obtain.

Inspection Invited

264 Fifth Avenue Howard & Co

Fifth Ave. Auction Rooms,

WM. B. NORMAN. Auctioneer. THIS (THURSDAY) AFTERNOON,

AT 2 O'CLOCK,
ALSO
FRIDAY AND SATURDAY AFTERNOONS,
APRIL 13, 14 AND 15, AT SAME HOUR, A Most Important Collection ANTIQUE AND MODERN
FURNITURE AND HOUSEHOLD EFFECTS

Removed from the Private Dwelling NO. 55 EAST 67TH ST., MANSION ON MADISON AVENUE (The owner of which is going to reside in Paris), COMPRISING Very Choice Specimens of Old Mahogany,

EMPIRE AND OAK FURNITURE. Handsome Empire Bedstead, Rare High Post Bedstead with sofa to match. Fost Bedstead with some to maken.

Superb Selected Turkish Rugs and Carpets.

Sofa Cushions, Robes, Draperies, Embroideries.

MAGNIFICENT TEAKWOOD

SCREEN.

Mounted Stag's Head, Royal Bengal Tiger Head, Westminster Chime Mantel Clock. COSTLY ETCHINGS BY A. H. HAIG.

OIL PAINTINGS, Rare Chinese Porcelains, GENUINE BRONZES.
Brass Fire Sets. Phonician Glass and GRÆCO-ROMAN POTTERY, Brass Bedsteads, Lowestoft Porcelains, A Collection of Valuable Books, Arms and Armor. Dinner Sets and Cut Glass, &c., &c.

Fur Storage.

Furs and garments of all kinds received for storage, insuring same against loss or damage by fire or moths.

Furs left with us for alterations or repairs, will be stored and insured without extra charge.

Lord & Taylor.
Broadway & 20th St.

The Ease and Comfort

With which an eyeglass fits a nose depends more on the manner of adjustment than the kind of Clip. There is a knack in bending and adjusting frames to fit a nose that is only mastered by one of practical experi ence in their construction and thorough knowledge of facial contour. I have that experience.

Paul A. MENTOWITZ 287 FIFTH AVENUE

ONE DOOR ABOVE 30TH STREET

Justice Putnam Accepts the Appointment of Pathmaster. Baratoga, April 12.-Justice John R. Putnam of the Appellate Division of the New York Sa preme Court has accepted the appointment of Pathmaster for the district, which includes his Saratoga country seat. He is named by the Highway Commissioners, and his duties are to keep the roads in repair.

Annual Donation for Destitute Blind. Superintendent Blair of the Outdoor Poor Department of the Public Charities announces that the destitute blind who are citizens can make application now for the annual donation. He requests that they call before 3 P. M. dally, except Saturday.

Brains Repaired

> a delicious food made of grape sugar by FOOD EXPERTS

Grape-Nuts.

AT GROCERS.

Zummmmmmum Zimme